

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: HEARTLAND PAYMENT	§	4:09-MD-02046
SYSTEMS, INC. CUSTOMER DATA	§	
SECURITY BREACH LITIGATION	§	MDL NO. 2046
	§	
	§	
	§	
	§	
	§	HON. LEE H. ROSENTHAL
THIS DOCUMENT RELATES TO:	§	
FINANCIAL INSTITUTION TRACK	§	CLASS ACTION
ACTIONS	§	
	§	JURY TRIAL DEMANDED
	§	

~~[PROPOSED]~~ ORDER GRANTING THE FINANCIAL INSTITUTION
PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE OF COURT TO FILE A
SUR-REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF
PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS


WHEREAS, upon consideration of the motion filed by the Financial
Institution Plaintiffs seeking leave of Court to file a Sur-Rely Memorandum
of Law in Further Support of Plaintiffs' Memorandum of Law in Opposition
to Defendant's Motion to Dismiss, and there being no opposition to this
request by Defendant Heartland Payment Systems, Inc., it is, this

23rd day of December 2009, **ORDERED** as follows:

1. The Financial Institution Plaintiffs' motion seeking leave of Court
to file a Sur-Reply is **GRANTED**;

2. The Financial Institution Plaintiffs shall file their Sur-Reply on or before **January 15, 2010**;
3. The Financial Institution Plaintiffs' Sur-Reply shall not exceed 15 pages in length;
4. Heartland shall be permitted to file a response to Plaintiffs' Sur-Reply; and
5. Any response filed by Heartland to Plaintiffs' Sur-Reply shall not exceed 10 pages in length, and shall be filed no later than **February 1, 2010**.

IT IS SO ORDERED.



Honorable Lee H. Rosenthal
United States District Judge